

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RON B. LANCASTER, )  
Plaintiff, )  
v. )  
ALAMANCE COUNTY HONORABLE )  
KATHRYN W. OVERBY, and )  
JOHN DOE CORPORATION, )  
Defendants. )  
1:23-cv-620

## ORDER

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on February 27, 2024, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 4.) In the Recommendation, the Magistrate Judge recommends that this action be dismissed because it is frivolous and fails to state a claim upon which relief may be granted. The Recommendation was served on the parties to this action on February 27, 2024. (Doc. 5). Plaintiff filed timely objections to the Recommendation, including a request for appointment of counsel. (Doc. 6.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or

modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation. In light of adopting the Recommendation and dismissing this action, Plaintiff's request for appointment of counsel is denied as moot.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 4), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Complaint, (Doc. 2), is **DISMISSED** pursuant to 28 U.S.C. § 1915 (e) (2) (B), and this action is hereby **DISMISSED**.

**IT IS FURTHER ORDERED** that Plaintiff's Request for Appointment of Counsel, (Doc. 6), is **DENIED AS MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 10th day of July, 2024.

William L. Oshun, Jr.  
United States District Judge